

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:22-00092

FREDERICK DE MESA

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's second motion to continue the trial and all related deadlines for a period of approximately sixty days. (ECF No. 30). In support of defendant's motion and the need for a continuance, counsel for defendant states that he needs additional time to review discovery in this matter, which counsel informs the court is voluminous, and then meet with defendant in order to determine how best to proceed. The government does not oppose defendant's request for a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until November 16,

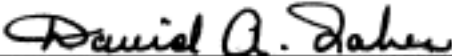
2022, at 9:30 a.m., in Bluefield. Jury instructions and proposed voir dire are to be filed by November 9, 2022;

2. All pretrial motions are to be filed by October 17, 2022;
3. A pretrial motions hearing is scheduled for October 24, 2022, at 10:30 a.m., in Bluefield; and
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 19th day of August, 2022.

ENTER:



David A. Faber
Senior United States District Judge